

**SUPREME COURT MINUTES  
WEDNESDAY, SEPTEMBER 10, 2003  
SAN FRANCISCO, CALIFORNIA**

**S103681**

F038251 Fifth Appellate District

PERACCHI v. S.C. ( PEOPLE)

Rehearing denied

Baxter, J., was recused and did not participate,

**S104157**G026525 Fourth Appellate District,  
Division Three

HAMEID v. NATIONAL FIRE INSURANCE

Rehearing denied

Request for modification denied.

**S105781**

C036904 Third Appellate District

PEOPLE v. MONTES

Opinion modified – no change in judgment

**S117568**B153072 Second Appellate District,  
Division Seven

PEOPLE v. CARSON

Petition for review granted

Votes: George, C.J., Kennard, Baxter, Chin,  
Brown and Moreno, JJ.**S117651**B150342 Second Appellate District,  
Division Three

PEOPLE v. HERNANDEZ

Petitions for review granted; issues limited

The issues to be briefed and argued are limited to the following: (1) Did the trial court commit prejudicial error by denying a defense request to bifurcate trial on the criminal street gang allegation from trial on the substantive offenses? (2) Did the trial court commit prejudicial error by failing to give the jury a limiting instruction on the permissible uses of evidence of defendants' gang membership?

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S117726**

E032377 Fourth Appellate District,  
Division Two

**CUMMINS, INC. v. S.C. (COX)**

Petition for review granted

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S109306**

A094460 First Appellate District,  
Division Five

**DOWHAL v. SMITHKLINE BEECHAM**

Additional issues ordered

In responding to the amicus briefs, the parties should address the following matter:

If (1) it is true that nicotine is a chemical known to cause reproductive harm, but (2) placing a truthful warning label to this effect on defendants' products might discourage pregnant women from using those products to stop smoking, and thus do more harm than good, does the Food and Drug Administration have authority to prohibit defendants from using such a label? Does its authority depend on whether the product, so labeled, would be considered 'misbranded?'

This order does not preclude the parties from discussing other issues raised in the briefs of amici.

**S117201**

D039489 Fourth Appellate District,  
Division One

**NAVARETTE v. HOLLAND**

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Mulder v Pilot Air Freight*, S105484 and *Hagberg v. California Federal Bank FSB*, S105909 (see Cal. Rules of Court, rule 28.2 (c) ), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S117931**

A098670 First Appellate District,  
Division Three

## PEOPLE v. STANCIL

Petitions for review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Sanders*, S094088 (see Cal. Rules of Court, rule 28.2 (c) ), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S113141**

## O'RILEY (TERESIA) ON H.C.

OSC issued, returnable in Superior Court

The Director of the Ventura County Probation Agency is ordered to show cause before the Ventura County Superior Court, when the matter is placed on calendar, why petitioner is not entitled to be discharged from probation in Case Number 96C009529 on the ground that the trial court lacked authority to extend probation for 60 months on September 13, 2000. (See the District Attorney's concession in Informal Opposition p. 13, filed August 6, 2003; Pen. Code, § 1203a; *People v. Ottovich* (1974) 41 Cal.App.3d 532.) The return shall be filed on or before October 10, 2003.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S102904**

F034923 Fifth Appellate District

## PEOPLE v. ORDAZ

Dismissed per rule 29.3(b), and remanded to CA 5

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S103132**

F037575 Fifth Appellate District

A. (ERIK), IN RE

Dismissed per rule 29.3(b), and remanded to CA 5

Votes: George, C.J., Baxter, Werdegarr, Chin,  
Brown and Moreno, JJ.  
Kennard, J., is of the opinion the matter should  
be retained.

**S107283**

H020743 Sixth Appellate District

PEOPLE v. FRYMAN

Transferred to CA 6 after hold

with directions to vacate its decision and to  
reconsider the cause in light of *People v. Floyd*  
(2003) 1 Cal.Rptr.3d 885.

Votes: George, C.J., Kennard, Baxter,  
Werdegarr, Chin and Moreno, JJ.  
Brown, J., is of the opinion the matter should be  
retained.

**S108531**

C037421 Third Appellate District

PEOPLE v. MACK

Transferred to CA 3 after hold

with directions to vacate its decision and to  
reconsider the cause in light of *In re Martinez*  
(2003) 30 Cal.4th 29.

Votes: George, C.J., Kennard, Baxter,  
Werdegarr, Chin, Brown and Moreno, JJ.

**S108670**

F037969 Fifth Appellate District

S. (DANNY), IN RE

Dismissed per rule 29.3(b), and remanded to CA 5

Votes: George, C.J., Kennard, Werdegarr, Chin,  
Brown and Moreno, JJ.  
Baxter, J., was recused and did not participate.

**S110651**

F039230 Fifth Appellate District

F. (DAVID), IN RE

Transferred to CA 5 after hold

with directions to vacate its decision regarding  
Penal Code section 186.22, subdivision (d), and

to reconsider the cause in light of *Robert L. v. Superior Court* (2003) 30 Cal.4th 894.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S112904**

F039025 Fifth Appellate District

PEOPLE v. PALOMINO

Transferred to CA 5 after hold

with directions to vacate its decision regarding Penal Code section 186.22, subdivision (d), and to reconsider the cause in light of *Robert L. v. Superior Court* (2003) 30 Cal.4th 894.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S113604**

SOLIS (ROBERT ORTEGA) ON H.C.

Petition ordered withdrawn

pursuant to written request of petitioner.

**S107302**

STATEN (DEONDRE A.) ON H.C.

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus filed on May 30, 2002 is denied.

Each claim and subclaim is denied on the merits for failure to state a prima facie case for relief.

Each claim and subclaim is barred as untimely (*In re Robbins* (1998) 18 Cal.4th 770, 780-781) except claims five and six.

Justice Brown would deny solely on the merits.

**S110094**

AYALA (RONALDO) ON H.C.

Petition for writ of habeas corpus denied (AA)

Petitioner's application to take judicial notice of an order by the United States District Court for the Southern District of California in Case Number 01CV 741-BTM, *Ayala v. Woodford*,

entitled, “Order Granting Petitioner’s Motion for Stay of Federal Proceedings Pending State Court Exhaustion and Dismissing Without Prejudice Certain Claims in Order to Allow Such Claims to Be Exhausted,” is granted.

The petition for writ of habeas corpus is denied.

All claims are denied on the merits.

All claims except for claims 2, 38 (insofar as it refers to permitting evidence to be introduced of other unadjudicated prior crimes), 47, 48, 49, 50, 66, and 68 are procedurally barred, separately and independently, as untimely. (See *In re Robbins* (1998) 18 Cal.4th 770, 780–781; *In re Clark* (1993) 5 Cal.4th 750, 763–799.)

All claims except for claims 2, 35, 38 (insofar as it refers to permitting evidence to be introduced of other unadjudicated prior crimes), 47, 48, 49, 50, 66, and 68 are procedurally barred, separately and independently, as successive. (*In re Clark, supra*, 5 Cal.4th at pp. 767–768; *In re Horowitz* (1949) 33 Cal.2d 534, 546–547.)

Claims 7, 11, 15, 37 (insofar as it refers to Walter Joe Lewis and invokes the Sixth and Fourteenth Amendments to the United States Constitution), 38 (insofar as it refers to permitting evidence to be introduced of petitioner’s killing John Casas in prison), 41, 43, 61, and 67 are procedurally barred, separately and independently, as repetitive of a claim raised on appeal. (See *In re Harris* (1993) 5 Cal.4th 813, 824–829; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

Claims 1, 9 (insofar as it asserts the prosecution violated the terms of a stipulation), 10, 37 (under the Fifth Amendment to the United States Constitution as applied to the states through the due process clause of the Fourteenth Amendment and under California constitutional provisions, insofar as it refers to not permitting adequate cross-examination of Walter Joe Lewis, and also insofar as it refers to Richard Christensen), 39, 40, 42, 44, 45, 46, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 63, and 65 are procedurally barred, separately and independently, as pretermitted because they

could have been, but were not, raised on appeal. (See *In re Harris*, *supra*, 5 Cal.4th 813, 824–829; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

Claims 6 (insofar as it refers to the putative failure to disclose certain purported information about Rafael Mendoza Lopez), 18 (insofar as it refers to Richard Savocchio), 19 (also insofar as it refers to Richard Savocchio), and 22 are procedurally barred, separately and independently, because they were raised and rejected in petitioner's first petition for writ of habeas corpus (*In re Ronaldo Medrano Ayala on Habeas Corpus* (S072059, petn. den. June 8, 2000). (*In re Miller* (1941) 17 Cal.2d 734, 735.)

Justice Brown would deny the petition for writ of habeas corpus solely on the merits.

**S116146**VAN VOORHIS v. COMMISSION ON JUDICIAL  
PERFORMANCE

Petition for review denied (C.J.P. - discipline)

Request for judicial notice denied.

**S116867**B166741 Second Appellate District,  
Division Six

PEOPLE v. LUSTER

Petition for review denied

**S116942**B161692 Second Appellate District,  
Division Seven

GAUL (PAUL) ON H.C.

Petition for review denied

**S116950**D039241 Fourth Appellate District,  
Division OneAMERICAN HOME SHIELD CORP. v. FIDELITY  
NATIONAL HOME WARRANTY CO.

Petition for review denied

**S116985**E031790 Fourth Appellate District,  
Division Two

PEOPLE v. WATSON

Petition for review denied

**S117050**

B167194 Second Appellate District,  
B145466 Division One

RADILLO (JUAN JOSE) ON H.C.  
Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S117078**

A096752 First Appellate District,  
A096772 Division Three

PEOPLE v. LECOMPTE  
Petitions for review denied

Request for judicial notice denied.

**S117109**

C044009 Third Appellate District

POTILLOR (RICHARD C.) ON H.C.  
Petition for review denied

**S117113**

C039196 Third Appellate District

PEOPLE v. PIHL  
Petition for review denied

**S117137**

D040216 Fourth Appellate District,  
Division One

PEOPLE v. RIVERA  
Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S117162**

H023279 Sixth Appellate District  
H025048

PEOPLE v. VELIZ  
Petition for review denied

**S117177**

G029556 Fourth Appellate District,  
Division Three

PEOPLE v. PEREZ  
Petition for review denied

**S117194**

D038861 Fourth Appellate District,  
Division One

PEOPLE v. REDONDO  
Petition for review denied

**S117216**

B147546 Second Appellate District,  
Division Four

JULIANO v. LONG BEACH U.S.D.  
Petition for review denied

George, C.J., was recused and did not  
participate.



**S117288**

A102778 First Appellate District,  
Division Four

MAGUIRE v. CA 1; MARTIN  
Petition for writ of mandate

**S117297**

F042035 Fifth Appellate District

E & J GALLO WINERY v. W.C.A.B. (DAVID)  
Petition for review denied

**S117314**

E031730 Fourth Appellate District,  
Division Two

PEOPLE v. WESTMORELAND  
Petition for review denied

**S117334**

C038246 Third Appellate District

FAIR POLITICAL PRACTICES COMMISSION v.  
CALIFORNIANS AGAINST CORRUPTION  
Petition for review denied

**S117378**

C040576 Third Appellate District

PEOPLE v. HERNANDEZ  
Petition for review denied

**S117385**

C041540 Third Appellate District

YUKI FARMS v. BC STOCKING DISTRIBUTING  
Petition for review denied

**S117392**

B160112 Second Appellate District,  
Division Six

PEOPLE v. JOHNSON  
Petition for review & depublication request denied

**S117399**

C042778 Third Appellate District

PEOPLE v. VALENCIA  
Petition for review denied

**S117408**

B162673 Second Appellate District,  
Division Seven

Z. (MARIO), IN RE  
Petition for review denied

**S117409**

B160090 Second Appellate District,  
Division One

PEOPLE v. GONZALEZ  
Petition for review denied

**S117414**

C040794 Third Appellate District

PEOPLE v. LYNN  
Petition for review denied

**S117459**

B157632 Second Appellate District,  
Division Eight

PEOPLE v. BUDNEAM  
Petition for review denied

**S117467**

C040187 Third Appellate District

PEOPLE v. WARDLAW  
Petition for review denied

**S117474**

C040406 Third Appellate District

PEOPLE v. RATHSACK  
Petition for review denied

**S117476**

H024186 Sixth Appellate District

DOWNEY v. HARTFORD FIRE INS. CO.  
Petition for review denied

**S117480**

E033949 Fourth Appellate District,  
Division Two

STUART v. S.C. (PEOPLE)  
Petition for review denied

**S117482**

A094945 First Appellate District,  
A095354 Division Four

PEOPLE v. ODHAM  
Petitions for review denied

**S117492**

G029454 Fourth Appellate District,  
Division Three

LEE v. SIERRA INVESTMENT  
Petition for review denied

**S117496**

E031834 Fourth Appellate District,  
Division Two

PEOPLE v. MENDIVIL  
Petition for review denied

**S117501**

B154456 Second Appellate District,  
Division Four

PEOPLE v. FOSTER  
Petitions for review denied

**S117517**

G028924 Fourth Appellate District,  
Division Three

PEOPLE v. FLORES  
Petition for review denied

**S117521**

B152863 Second Appellate District,  
Division Seven

## PEOPLE v. FOSTER

Petition for review denied

**S117537**

B166753 Second Appellate District,  
Division One

## FRIEDMAN v. DELMAN

Petition for review denied

**S117538**

G029586 Fourth Appellate District,  
Division Three

## BURCH v. CHILDREN'S HOSPITAL

Petition for review denied

**S117550**

B166117 Second Appellate District,  
Division Four

## MOGHADAM v. DANPOUR

Petition for review denied

**S117555**

D038973 Fourth Appellate District,  
Division One

## PEOPLE v. HARPER

Petitions for review denied

**S117566**

E030178 Fourth Appellate District,  
Division Two

## JACKSON v. HAJJ

Petition for review denied

**S117567**

B158771 Second Appellate District,  
Division Six

## PEOPLE v. RAMIREZ

Petition for review denied

**S117573**

E033983 Fourth Appellate District,  
Division Two

## BURGENER v. S.C. (PEOPLE)

Petition for review denied

**S117576**

B159303 Second Appellate District,  
Division One

## ELROD v. COSTCO

Petition for review denied

**S117579**

B151940 Second Appellate District,  
Division One

## WOLFE AIR AVIATION v. STORM BARTLING

Petition for review denied

**S117596**

D041875 Fourth Appellate District,  
Division One

PYLES v. HOLLIS-EDEN PHARMACEUTICALS  
Petition for review denied

**S117605**

G029742 Fourth Appellate District,  
Division Three

ESCALANTE v. WILSON'S ART STUDIO, INC.  
Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed June 9, 2003, which appears at 109 Cal.App.4th 692. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

Kennard and Chin, JJ., are of the opinion the petition should be granted.

**S117619**

C039524 Third Appellate District

C. (ARSENIO), IN RE  
Petition for review denied

**S117621**

A102906 First Appellate District,  
Division Three

DICKENSON, PEATMAN & FOGARTY v. S.C.  
(NAPA VALLEY ATHLETIC CLUB INC.  
Petition for review denied

Kennard and Chin, JJ., are of the opinion the petition should be granted.

**S117631**

D040434 Fourth Appellate District,  
Division One

PEOPLE v. ANDRADE  
Petition for review denied

**S117637**

G030120 Fourth Appellate District,  
Division Three

PEOPLE v. BEALE  
Petition for review denied

**S117649**

A092787 First Appellate District,  
Division Three

PEOPLE v. MARIN  
Petition for review denied

**S117652**

E031612 Fourth Appellate District,  
Division Two

PEOPLE v. TEJEDA

Petition for review denied

**S117657**

D039084 Fourth Appellate District,  
Division One

PEOPLE v. COITO

Petition for review denied

**S117658**

B158558 Second Appellate District,  
Division Two

PEOPLE v. BACA

Petition for review denied

**S117663**

E032426 Fourth Appellate District,  
Division Two

MCDANELD v. EASTERN MUNICIPAL WATER

Petition for review denied

**S117664**

H024926 Sixth Appellate District

B. (ROBERT) v. B. (SUSAN)

Petition for review denied

Kennard and Chin, JJ., are of the opinion the  
petition should be granted.

**S117668**

B143831 Second Appellate District,  
Division Three

HERR v. NESTLE U.S.A. INC.

Petition for review denied

**S117669**

A099918 First Appellate District,  
Division Two

BARRAZA v. BARRAZA

Petition for review denied

**S117672**

E031874 Fourth Appellate District,  
Division Two

PEOPLE v. MAGRO

Petition for review denied

**S117683**

E031974 Fourth Appellate District,  
Division Two

B. (JAMES), IN RE

Petition for review denied

Kennard and Chin, JJ. are of the opinion the  
petition should be granted.

**S117690**

B149643 Second Appellate District,  
Division Eight

PEOPLE v. ALARCON  
Petitions for review denied

**S117693**

G030700 Fourth Appellate District,  
Division Three

GORRIE v. AGREN  
Petition for review denied

Request for judicial notice denied.

**S117698**

F039425 Fifth Appellate District

AREIAS v. BANK OF AMERICA  
Petition for review & depublication request denied

Baxter, J., was recused and did not participate.  
Chin, J., was recused and did not participate.

**S117705**

D038241 Fourth Appellate District,  
Division One

EAST COUNTY PHYSICIANS v. AETNA LIFE  
Petition for review denied

**S117736**

E033220 Fourth Appellate District,  
Division Two

PEOPLE v. KELCE  
Petition for review denied

**S117738**

H025770 Sixth Appellate District

HOLLOWAY v. HAMLET  
Petition for review denied

**S117739**

B152609 Second Appellate District,  
Division Eight

BUTLER v. BELL HELICOPTER  
Petition for review denied

**S117745**

F036980 Fifth Appellate District

SYLVIA v. STALLION SPRINGS COMMUNITY  
SERVICES DISTRICT  
Petition for review denied

Baxter, J., was recused and did not participate.

**S117746**

B159752 Second Appellate District,  
Division Four

PEOPLE v. HANNIBLE  
Petition for review denied

**S117748**

C040364 Third Appellate District

PEOPLE v. TOLOY

Petition for review denied

**S117751**B158766 Second Appellate District,  
Division One

PEOPLE v. DORSETT

Petition for review denied

**S117753**G030436 Fourth Appellate District,  
Division Three

PEOPLE v. HARTLEY

Petition for review denied

**S117754**A103187 First Appellate District,  
Division Five

SANTAMARIA v. S.C. (SAN GABRIEL VALLEY)

Petition for review denied

Kennard, J, was recused and did not participate.

**S117767**B159400 Second Appellate District,  
Division Six

PEOPLE v. SWANIGAN

Petition for review denied

**S117769**

C040238 Third Appellate District

PEOPLE v. TAFOYA

Petition for review denied

**S117771**G029769 Fourth Appellate District,  
Division Three

PEOPLE v. JONES

Petition for review denied

**S117776**A103213 First Appellate District,  
Division Three

COSTA v. S.C. (PEOPLE)

Petition for review denied

**S117777**B161445 Second Appellate District,  
Division Six

PEOPLE v. AUGUSTINE

Petition for review denied

**S117780**B168068 Second Appellate District,  
Division Three

REYES (JUAN F.) ON H.C.

Petition for review denied

**S117783**

C042090 Third Appellate District

PEOPLE v. SMITH

Petition for review denied

**S117784**

H023620 Sixth Appellate District

JINKERSON v. AUTODISC INC.

Petition for review denied

**S117790**B163665 Second Appellate District,  
Division Five

PEOPLE v. RILEY

Petition for review denied

**S117792**B158696 Second Appellate District,  
Division Eight

PEOPLE v. HUANG

Petition for review denied

**S117798**B150107 Second Appellate District,  
Division One

PEOPLE v. PAREDES

Petition for review denied

Brown, J., is of the opinion the petition should  
be granted.

**S117800**B157768 Second Appellate District,  
Division Six

PEOPLE v. JOHNSON

Petition for review denied

**S117801**A099508 First Appellate District,  
Division Five

PEOPLE v. DAVIS

Petition for review denied

**S117802**B158933 Second Appellate District,  
Division Seven

PEOPLE v. LONDON

Petition for review denied

**S117803**B159053 Second Appellate District,  
Division Six

PEOPLE v. LARSEN

Petition for review denied

**S117804**B167826 Second Appellate District,  
Division Six

ESKRIDGE v. W.C.A.B. (COLEMAN CARPET)

Petition for review denied



**S117807**

H024492 Sixth Appellate District

PEOPLE v. LOPEZ

Petition for review denied

**S117813**G030720 Fourth Appellate District,  
Division Three

PEOPLE v. LUGO

Petition for review denied

**S117815**A097719 First Appellate District,  
Division Two

PEOPLE v. FERNANDES

Petition for review denied

**S117820**A100107 First Appellate District,  
Division Two

MAYER v. DAVIS (as GOVERNOR, ETC.)

Petition for review denied

**S117821**B154998 Second Appellate District,  
Division Six

COULOMBE v. CITY OF OXNARD

Petition for review denied

**S117824**A092290 First Appellate District,  
Division Five

PEOPLE v. WILLIAMS

Petition for review denied

**S117828**

C041835 Third Appellate District

PEOPLE v. BURGESS

Petition for review denied

**S117830**

F041355 Fifth Appellate District

G. (C.), IN RE

Petition for review denied

**S117835**B162154 Second Appellate District,  
Division Two

PEOPLE v. CONTRERAS

Petition for review denied

**S117840**

F040640 Fifth Appellate District

PEOPLE v. RODRIGUEZ

Petition for review denied

**S117841**

C038741 Third Appellate District

PEOPLE v. SAUNDERS

Petition for review denied

**S117844**G030315 Fourth Appellate District,  
Division Three

PEOPLE v. SEVILLA

Petition for review denied

**S117845**E032306 Fourth Appellate District,  
Division Two

PEOPLE v. HURTADO

Petition for review denied

**S117846**C040701 Third Appellate District  
C040711

PEOPLE v. TUCKER

Petition for review denied

**S117848**E029844 Fourth Appellate District,  
Division Two

PEOPLE v. CARAVEO

Petition for review denied

**S117850**B161984 Second Appellate District,  
Division Two

PEOPLE v. CATCHINGS

Petition for review denied

**S117858**B157711 Second Appellate District,  
Division Three

SANCHEZ v. CITY OF LOS ANGELES

Petition for review denied

**S117869**B164249 Second Appellate District,  
Division Three

A. (SADE), IN RE

Petition for review denied

**S117881**E031632 Fourth Appellate District,  
Division Two

PEOPLE v. HAGEN

Petition for review denied

**S117886**

H025728 Sixth Appellate District

LOPEZ (ROMAN GABRIEL) ON H.C.

Petition for review denied

**S117888**D038034 Fourth Appellate District,  
Division One

GOYET v. DEAN

Petition for review and publication request denied

**S117890**

H024475 Sixth Appellate District

PEOPLE v. HALL

Petition for review denied

**S117893**B157454 Second Appellate District,  
Division Seven

PEOPLE v. MORRISON

Petition for review denied

**S117895**

F038543 Fifth Appellate District

CATALANO v. CAMENSON

Petition for review denied

**S117896**

C044511 Third Appellate District

AKHTAR ON H.C.

Petition for review denied

**S117902**

C039580 Third Appellate District

PEOPLE v. SALAS

Petition for review denied

**S117906**

F040484 Fifth Appellate District

PEOPLE v. HARRELL

Petition for review denied

**S117907**B153423 Second Appellate District,  
Division Four

A. (DAMION), IN RE

Petition for review denied

**S117908**B159624 Second Appellate District,  
Division Eight

PEOPLE v. ROSE

Petition for review denied

**S117912**

H024563 Sixth Appellate District

G. (REYNA) IN RE

Petition for review denied

**S117913**

C039412 Third Appellate District

PEOPLE v. BELL

Petition for review denied

**S117916**A098671 First Appellate District,  
Division Four

PEOPLE v. PERRY

Petition for review denied

**S117917**

A099689 First Appellate District,  
Division Two

C. (KENDALL), IN RE  
Petition for review denied

**S117918**

A101343 First Appellate District,  
Division One

ROSSELLO (MIGUEL), ESTATE OF  
Petition for review denied

**S117919**

H024187 Sixth Appellate District

MORTON v. WAGNER  
Petition for review denied

**S117920**

F041740 Fifth Appellate District

L. (MATTHEW), IN RE  
Petition for review denied

**S117922**

B149552 Second Appellate District,  
Division Four

PEOPLE v. SMITH  
Petition for review denied

**S117923**

G029263 Fourth Appellate District,  
Division Three

PEOPLE v. CASTILLO  
Petition for review denied

**S117924**

B160215 Second Appellate District,  
Division One

PEOPLE v. RATLIFF  
Petition for review denied

**S117929**

C038631 Third Appellate District

PEOPLE v. KUBBY  
Petition for review denied

*(People v. Redinger (1880) 55 Cal.290, 298;  
People v. Kubby (2002) 97 Cal. App. 4th 619,  
629.)*

**S117932**

B162596 Second Appellate District,  
Division Six

PEOPLE v. WASKUL  
Petition for review denied

**S117938**

E032094 Fourth Appellate District,  
Division Two

PEOPLE v. COOPER

Petition for review denied

**S117940**

E031820 Fourth Appellate District,  
Division Two

PEOPLE v. MCNAMARA

Petitions for review denied

**S117943**

F043401 Fifth Appellate District

ACEVEDO v. S.C. (PEOPLE)

Petition for review denied

**S117944**

G031428 Fourth Appellate District,  
Division Three

PEOPLE v. MATA

Petition for review denied

**S117947**

H023970 Sixth Appellate District

PEOPLE v. VILLAREAL

Petition for review denied

**S117949**

C040785 Third Appellate District

PEOPLE v. YANG

Petition for review denied

**S117950**

G030689 Fourth Appellate District,  
Division Three

PEOPLE v. JOHNSON

Petition for review denied

**S117951**

C041371 Third Appellate District

LINGAN v. CAMPBELL

Petition for review denied

**S117954**

B155443 Second Appellate District,  
Division Seven

PEOPLE v. SEO

Petition for review denied

**S117955**

A099997 First Appellate District,  
Division Four

PEOPLE v. BETANCOURT

Petition for review denied

**S117956**

B160063 Second Appellate District,  
Division One

PEOPLE v. ABDULLAH

Petition for review denied

**S117957**

C040650 Third Appellate District

PEOPLE v. BERRY

Petition for review denied

**S117961**

F041304 Fifth Appellate District

PEOPLE v. BOWKER

Petition for review denied

**S117962**

B167472 Second Appellate District,  
Division Four

SHOYINKA v. CITY OF SANTA MONICA

Petition for review denied

**S117966**

A100176 First Appellate District,  
Division Four

ROBERSON v. MILLS

Petition for review & publication request denied

**S117975**

C044024 Third Appellate District

LEPRINO TRANSPORTATION v. WCAB (LUTTS)

Petition for review denied

**S117976**

G029663 Fourth Appellate District,  
Division Three

PEOPLE v. GIPSON

Petition for review denied

**S117977**

G030645 Fourth Appellate District,  
Division Three

PEOPLE v. SPEED

Petition for review denied

**S117978**

G029867 Fourth Appellate District,  
Division Three

SUTHERLAND v. MORGAN

Petition for review denied

**S117979**

A100644 First Appellate District,  
Division Four

H. (THOMAS), IN RE

Petition for review denied

**S117980**

B157627 Second Appellate District,  
Division Six

## PEOPLE v. PRECIADO

Petition for review denied

**S117985**

B161007 Second Appellate District,  
Division Three

## PEOPLE v. WATSON

Petition for review denied

**S117987**

B157591 Second Appellate District,  
Division One

## VINCI v. AIDA GREY INC.

Petition for review denied

**S117988**

B154724 Second Appellate District,  
Division One

## BARNARD v. LANGER

Petition for review denied

**S117991**

A099737 First Appellate District,  
Division One

INFORMATION SYSTEMS AND NETWORKS v.  
BERG & PARKER, LLP.

Petition for review denied

**S117992**

B159636 Second Appellate District,  
Division Two

## PEOPLE v. LAYTON

Petition for review denied

**S117996**

B160899 Second Appellate District,  
Division Three

## PEOPLE v. MIRABAL

Petition for review denied

**S117998**

F043251 Fifth Appellate District

## ALVARADO v. S.C. (PARREIRA)

Petition for review denied

**S118000**

F040528 Fifth Appellate District

## PEOPLE v. LOPEZ

Petition for review denied

**S118004**

C037193 Third Appellate District

## PEOPLE v. STEWART

Petition for review denied

**S118019**

G029858 Fourth Appellate District,  
Division Three

PEOPLE v. BROWN

Petition for review denied

**S118020**

B168246 Second Appellate District,  
Division Three

ROBINSON v. S.C. (PEOPLE)

Petition for review denied

**S118022**

B162043 Second Appellate District,  
Division Two

CLARKE v. GOLD

Petition for review denied

**S118025**

F040802 Fifth Appellate District

PEOPLE v. WARREN

Petition for review denied

**S118026**

B160419 Second Appellate District,  
Division Two

PEOPLE v. HOBLEY

Petition for review denied

**S118038**

E032220 Fourth Appellate District,  
Division Two

PEOPLE v. LINDLEY

Petition for review denied

**S118039**

G030198 Fourth Appellate District,  
Division Three

PEOPLE v. BARBA

Petition for review denied

**S118041**

H023607 Sixth Appellate District

HOWARD v. TAM

Petition for review denied

**S118043**

H024459 Sixth Appellate District

G. (GLORIA), IN RE

Petition for review denied

**S118044**

B159394 Second Appellate District,  
Division Four

PEOPLE v. GARRETT

Petition for review denied



**S118049**

A098786 First Appellate District,  
Division Five

PEOPLE v. RUDOLPH  
Petition for review denied

**S118050**

F039760 Fifth Appellate District

PEOPLE v. ALVARADO  
Petition for review denied

**S118058**

A099082 First Appellate District,  
Division Four

PEOPLE v. HUERTA  
Petition for review denied

**S118059**

C039274 Third Appellate District

PEOPLE v. STANDARD  
Petition for review denied

**S118061**

B157667 Second Appellate District,  
Division Seven

PEOPLE v. SMITH  
Petition for review denied

**S118064**

G028521 Fourth Appellate District,  
Division Three

PEOPLE v. RIVERA  
Petition for review denied

**S118065**

G030841 Fourth Appellate District,  
Division Three

PEOPLE v. MARTIN  
Petition for review denied

**S118068**

G030627 Fourth Appellate District,  
Division Three

PEOPLE v. BERRY  
Petition for review denied

**S118070**

B153729 Second Appellate District,  
Division One

LO v. COUNTY OF LOS ANGELES  
Petition for review denied

**S118074**

B164942 Second Appellate District,  
Division Four

PEOPLE v. CLEMENTE  
Petition for review denied

**S118075**

F039299 Fifth Appellate District

PEOPLE v. RUSSELL

Petition for review denied

**S118086**D039932 Fourth Appellate District,  
Division One

TARPY v. COUNTY OF SAN DIEGO

Petition for review &amp; depublication request denied

**S118087**

H024153 Sixth Appellate District

PEOPLE v. SOTO

Petition for review denied

**S118098**

HAYCOCK v. COURT OF APPEAL (MCMULLEN)

Petition for writ of mandate denied

**S118101**G032560 Fourth Appellate District,  
Division Three

DICKERSON v. S.C. (PEOPLE)

Petition for review denied

**S118110**D041223 Fourth Appellate District,  
Division One

O. (KENDALL), IN RE

Petition for review denied

**S118131**

CORREA v. 5TH APPELLATE DISTRICT (PEOPLE)

Petition for writ of mandate denied

**S118133**B161648 Second Appellate District,  
Division Four

PEOPLE v. MEDRANO

Petition for review denied

**S118143**D039078 Fourth Appellate District,  
Division One

PEOPLE v. HOOVER

Petition for review denied

**S118145**B168624 Second Appellate District,  
Division One

NEU v. S.C. (NEU)

Petition for review and application for stay denied

George, C.J., was recused and did not  
participate.

**S118146**

B159572 Second Appellate District,  
Division Eight

PEOPLE v. PERALTA

Petition for review denied

**S118330**

E034020 Fourth Appellate District,  
E033813 Division Two

BROPHY (RYAN DANIEL) ON H.C.

Petition for review denied

Kennard and Chin, JJ., are of the opinion the  
petition should be granted.

**S118355**

DRUM v. STATE BAR OF CALIFORNIA

Petition for writ of review & application for stay denied

**S118494**

C044712 Third Appellate District

GARVEY v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S118495**

C044713 Third Appellate District

GARVEY v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S118540**

A103612 First Appellate District,  
Division Four

HERSHIPS v. S.C. (NIEMIER)

Petition for review and application for stay denied

**S111680**

G026411 Fourth Appellate District,  
Division Three

COBURN (TOD) ON H.C.

Petition for writ of habeas corpus denied

**S111877**

DAVIS (ANDRE) ON H.C.

Petition for writ of habeas corpus denied

**S112122**

HUCKABEE (ANTHONY C.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

**S112128**

JAMESON (BARRY S.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

**S112142**

LEE (SAMUEL D.) ON H.C.  
Petition for writ of habeas corpus denied

**S112154**

YOUNGBERG (GERALD J.) ON H.C.  
Petition for writ of habeas corpus denied

**S112283**

ANAYA (DAVID R.) ON H.C.  
Petition for writ of habeas corpus denied

**S112409**

WARE (ALLEN KIRK) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S112457**

GONZALES (JAMES) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S112492**

GROVES (BRANDON) ON H.C.  
Petition for writ of habeas corpus denied

**S112507**

DIEGO (ANTONIO) ON H.C.  
Petition for writ of habeas corpus denied

**S112512**

HAMILTON (GREGORY) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S112528**

MORGAN (JONATHAN) ON H.C.  
Petition for writ of habeas corpus denied

**S112531**

JACKSON (FRED LEON) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S112564**

NELSON (DYKE EDWARD) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S112630**

JONES (PHILLIP) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S112660**

PALUZZI (LOUIS) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was recused and did not participate.

**S112677**

GLOSSON (MICHAEL) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S112708**

WALKER (DARNEL D.) ON H.C.  
Petition for writ of habeas corpus denied

**S112721**

WIGFALL (CORNELIUS) ON H.C.  
Petition for writ of habeas corpus denied

**S112734**

EVERS (NORMAN PHILIP) ON H.C.  
Petition for writ of habeas corpus denied

**S112762**

REIDE (RAYMOND M.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S112777**

JONES (SAMUEL J.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S112793**

ANDERSON (ARTHUR) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S112829**

HAROLD (ERNEST O.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S112841**

HERNANDEZ (ANDREW) ON H.C.  
Petition for writ of habeas corpus denied

**S112870**

CLINE (MARK A.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S112880**

HOWARD (JAMES A.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

**S112901**

CONWAY (DUANE EUGENE) ON H.C.

Petition for writ of habeas corpus denied

**S113018**

GEORGIEV (VALENTIN) ON H.C.

Petition for writ of habeas corpus denied

**S113084**

GEHA (JAY WILLIAM) ON H.C.

Petition for writ of habeas corpus denied

**S113183**

CONWAY (DUANE E.) ON H.C.

Petition for writ of habeas corpus denied

**S114951**

RAPKO (ERIC C.) ON H.C.

Petition for writ of habeas corpus denied

**S115322**

CASWELL (STEVEN H.) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S115679**

MARQUEZ (MARIO) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Brown, J., was recused and did not participate.

**S115822**

KURBEGOVICH (MUHAREM) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

**S115874**

HERNANDEZ (ARMANDO) ON H.C.

Petition for writ of habeas corpus denied

**S116005**

SUON (KAMSAN) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

<b>S116135</b>	YOUNG (PHILLIP) ON H.C. Petition for writ of habeas corpus denied
<b>S116139</b>	KURBEGOVICH (MUHAREM) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S116160</b>	HERNANDEZ (ARMANDO) ON H.C. Petition for writ of habeas corpus denied
<b>S117994</b>	GALLARDO (ARNOLD Y.) ON H.C. Petition for writ of habeas corpus denied
<b>S118198</b>	RASHID (HAKIM W.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S118342</b>	ROSENBLUM (PHILLIP) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S118353</b>	LIPSKI (FRANK F.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S118356</b>	GALLARDO (ARNOLD Y.) ON H.C. Petition for writ of habeas corpus denied
<b>S118402</b>	MCKINNEY (ULYSSES) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S118422</b>	THOMAS (ROBERT E.) ON H.C. Petition for writ of habeas corpus denied
<b>S118474</b>	BROADNAX (LAWRENCE) ON H.C. Petition for writ of habeas corpus & stay denied
<b>S115956</b> G029530 Fourth Appellate District, Division Three	JAMESON v. FIVE FEET RESTAURANT INC. Depublication request denied (case closed)

**S116801**

B156585 Second Appellate District,  
Division Five

NATIONAL COUNCIL AGAINST HEALTH FRAUD  
v. KING BIO PHARMACEUTICALS INC.  
Depublication request denied (case closed)

**S117475**

G029915 Fourth Appellate District,  
Division Three

PRO-ACTIVE TECHNOLOGY MARKETING v.  
VALENCE SEMICONDUCTOR INC.  
Publication request denied (case closed)

**S117650**

D040057 Fourth Appellate District,  
Division One

SIMMONS v. CITY OF SAN DIEGO  
Publication request denied (case closed)

**S117696**

A097504 First Appellate District,  
Division One

HANNA v. CITY OF BERKELEY  
Publication request denied (case closed)

**S117965**

F040317 Fifth Appellate District

PEOPLE v. NOVOA  
Publication request denied (case closed)

**S034110**

PEOPLE v. CREW (MARK C.)  
Time extended to consider rehearing

to November 21, 2003

**S110662**

SOUTHERN CALIFORNIA EDISON v. LYNCH  
Time extended to consider rehearing

to November 19, 2003

**S117393**

C041492 Third Appellate District

FARLEY (LIONEL) ON H.C.  
Time extended to grant or deny review

to October 22, 2003

**S117497**

B147015 Second Appellate District,  
Division Five

PEOPLE v. SCHMAUS  
Time extended to grant or deny review

to October 20, 2003



**S117565**

B156922 Second Appellate District,  
Division Three

PEOPLE v. NASH

Time extended to grant or deny review

to October 14, 2003.

**S117575**

A097446 First Appellate District,  
Division One

PEOPLE v. MCDOUGAL

Time extended to grant or deny review

to October 16, 2003.

**S117682**

A097230 First Appellate District,  
Division Five

PEOPLE v. TIRAN

Time extended to grant or deny review

to October 22, 2003

**S117685**

A102072 First Appellate District,  
Division Five

TIRAN (ROBERT) ON H.C.

Time extended to grant or deny review

to October 22, 2003.

**S117757**

B167135 Second Appellate District,  
Division Four

DANG (CHANH MIHN) ON H.C.

Time extended to grant or deny review

to October 22, 2003

**S045060**

PEOPLE v. LOKER (KEITH T.)

Extension of time granted

to November 4, 2003 to file respondent's brief.  
After that date, only two further extensions  
totaling about 130 additional days will be  
granted. Extension granted based upon Deputy  
AG Holley Hoffman's representation that she  
anticipates filing the brief by 3-15-2004.

**S074624**

PEOPLE v. MARTINEZ (TOMMY)

Extension of time granted

to November 3, 2003 to file appellant's opening  
brief.

**S116870**

C039428 Third Appellate District

PEOPLE ex rel. DEPT. OF CONSERVATION v.  
EL DORADO COUNTY (BRUNIUS)  
Extension of time granted

Appellant's time to serve and file the opening brief on the merits is extended to and including October 27, 2003.

**S075726**PEOPLE v. MOORE (CHARLES)  
Counsel appointment order filed

In California, a criminal defendant has no right to represent himself or herself on appeal. (*People v. Scott* (1998) 64 Cal.App.4th 550; see also *Martinez v. California* (2000) 528 U.S. 152.) On the court's own motion, Cynthia A. Thomas is appointed to represent appellant Charles Edward Moore for the direct appeal in the above automatic appeal now pending in this court.

**S014200**PEOPLE v. DUNKLE (JON SCOTT)  
Order filed

Appellant's "Motion To File Supplemental Appellant's Opening Brief; Request To Toll 180-day Period" is granted.

The clerk is directed to file appellant's "Supplemental Appellant's Opening Brief," received on August 29, 2003. Respondent shall file a supplemental respondent's brief on or before October 10, 2003. Appellant may file a supplemental reply brief on or before October 30, 2003.

The 180-day period for filing a presumptively timely habeas corpus petition shall be tolled for a period of 30 days, to and including October 22, 2003. (See Supreme Court Policies Regarding Cases Arising From Judgments of Death, Policy 3, stds. 1-1.1, 1-4.).

**S110741**

PADILLA (ALFREDO A.) ON H.C.

Application to file document under seal granted

Petitioner's "Second Motion to File Exhibit 141 Under Seal," filed on August 6, 2003, is granted. The clerk is directed to file, under seal, exhibit 141 to the petition for writ of habeas corpus herein.

**S065575**

CHAMPION (STEVE A.) ON H.C.

Referee appointed

THE COURT:

Based on the record in this matter and good cause appearing:

The Honorable Francisco P. Briseño, Judge of the Superior Court, County of Orange, is appointed to sit as a referee in this proceeding. He is directed to take evidence and make findings of fact on these questions regarding the case of *People v. Steve Allen Champion* (Los Angeles County Superior Court No. A365075; Judge William B. Keene):

1. What actions did petitioner's trial counsel take to investigate potential evidence that could have been presented in mitigation at the penalty phase of petitioner's capital trial? What were the results of that investigation?
2. What additional mitigating evidence, if any, could petitioner have presented at the penalty phase? How credible was this evidence?
3. What investigative steps, if any, would have led to this additional evidence? In 1982, when petitioner's case was tried, would a reasonably competent attorney have tried to obtain such evidence and to present it at the penalty phase?
4. What circumstances, if any, weighed against the investigation or presentation of this additional evidence? What evidence damaging to petitioner, but not presented by the prosecution at the guilt or penalty trials, would

likely have been presented in rebuttal if petitioner had introduced this evidence?

5. Did petitioner do or say anything to hinder or prevent the investigation or presentation of mitigating evidence at the penalty phase, or did he ask that any such evidence not be presented? If so, what did he do or say?

The Referee is directed to prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and the findings of fact made.

All requests for discovery should be addressed to the referee.

**S115903**

**WESTREICH ON DISCIPLINE**

Petition for writ of review denied; recommended discipline imposed

It is ordered that **Meir J. Westreich, State Bar Number 73133**, be suspended from the practice of law in the State of California for six months, that execution of the six-month suspension be stayed, and that he be placed on probation for one year on the conditions recommended by the Review Department of the State Bar Court in its opinion filed on February 26, 2003. Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.